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 2
 3          IN THE UNITED STATES DISTRICT COURT
 4      FOR THE EASTERN DISTRICT OF PENNSYLVANIA
 5                    -   -   -
 6   CONSTELLATION NEWENERGY:  CIVIL ACTION
     INC.,                   :
 7              Plaintiff,   :
                             :
 8                           :
           vs.               :
 9                           :
     POWERWEB TECHNOLOGIES,  :
10   INC., et al.,           :
              Defendants. : NO. 02-CV-2733 (HB)
11
12                    -   -   -

         Philadelphia, Pennsylvania
13          Friday, June 18, 2004
                    -   -   -
14
15         Pretrial Examination of PETER
16   FOX-PENNER, Ph.D., taken pursuant to notice,
17   at the law offices of Wolf Block, LLP, 1630
18   Arch Street, 22nd Floor, on the above date,
19   beginning at approximately 10:10 a.m., before
20   Debra Ann Whitehead, a Court Reporter, an
21   Approved Reporter of the United States
22   District Court, and Notary Public.
23         V A R A L L O  Incorporated
             Litigation Support Services
24        1835 Market Street, Suite 600
               1835 Market Street
25          Philadelphia, PA  19103
               (215)  561-2220
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1   Peter Fox-Penner, Ph.D.

2   any particular skill or expertise in

3   predicting or modeling Powerweb's lost

4   profits?

5   A.   No, I didn't, made no efforts to

6   learn anything of that nature.

7   Q.   Is modeling or predicting lost

8   profits something that the Brattle Group does?

9   A.   Yes, that is a line of business or

10   an activity that Brattle Group partners, many

11   Brattle Group partners, engage in.

12   Q.   Is that an activity that requires

13   some specialized knowledge or skill?

14   A.   Yes, in my opinion, it does.

15   Q.   What particular skill or expertise

16   do you think is necessary to predict or model

17   the lost profits of a business?

18   A.   I think you need to know some

19   economics, a little bit of accounting, and you

20   need to understand the particular business

21   that you're modeling.

22   Broadly speaking, those, I think,

23   are the core qualifications.

24   Q.   At the Brattle Group, what is the

25   typical background of qualifications of people